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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - -

Ru-el Sailor,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:22-CV-00660
)	
City of Cleveland, et al.)	
)	
Defendant.)	

- - -

Transcript of audio recorded jail call,
John Williams - Disk 2 - Call 618, between
Ru-El Sailor, Amy Sailor and Kyle Swenson, on
May 3, 2016 at 5:05 p.m.

- - -

EXHIBIT K

PROCEEDINGS

AUTO ATTENDANT: For English -- for a collect -- place into your seven digit inmate ID number followed by your four digit -- Please enter the area code and phone number you are calling now. Please hold. Please wait while your call is being connected.

Hello, this is a prepaid call from -- an inmate at the Ohio State Penitentiary. To accept this call, press 0. To refuse this call -- your current balance is \$19.38. This call is from a correction facility and is subject to monitoring and recording.

Thank you for using GTL.

MS. SAILOR: Oh, I think I hung up on him. But listen, hello?

MR. SAILOR: Yeah.

MS. SAILOR: Don't forget that we're being honest with him about your knowledge.

MR. SAILOR: I know, man. Look, I got stuck on that, right? And it's like, man, I'm not used to telling people that it's always like, man, I got stuck.

MS. SAILOR: Start off by saying

1 off the record, off the record, I knew about
2 this in advance.

3 MR. SAILOR: All right, but look
4 --

5 MS. SAILOR: Do not (Inaudible)
6 with him.

7 MR. SAILOR: I'm saying, alright,
8 listen, but I think the tape recording threw
9 me off. Like I don't want, if that's all
10 recorded; you know what I'm saying? Like, I
11 don't know that shit.

12 MS. SAILOR: Okay, well, you need
13 to you need to figure that out quickly. You
14 can't keep --

15 MR. SAILOR: But I'm saying that's
16 why I wanted to talk to him face-to-face
17 first, you seen him saying? Like what did you
18 do tell him, everything?

19 MS. SAILOR: Yeah, he pretty much
20 knows.

21 MR. SAILOR: Alright, why you
22 ain't tell me that? Alright, look.

23 MS. SAILOR: I told you I told
24 him. I got to call him back (inaudible) --

25 MR. SAILOR: I want to talk to him

1 off the record first. I mean and then --

2 MS. SAILOR: Do you want me to
3 tell him that before I click you in?

4 AUTO ATTENDANT: This call is
5 originating from an Ohio correctional facility
6 and may be recorded and monitored.

7 MR. SAILOR: Like it's about the
8 court shit, right? But Kim say I can't get in
9 trouble right, which is cool. I understand
10 that, right? But then again man, it's the
11 thing about the nigga you warned too, man.
12 Like I don't want, I don't want to own up to
13 that 'til I'm outside the door. You see what
14 I'm saying? I don't got a problem telling to
15 his face or whatever the case may be, but
16 right now, like, he's a key to what I'm trying
17 to do and if he feels like, if he get into his
18 emotions, then he might say, fuck me; you know
19 what I'm saying?

20 MS. SAILOR: Right. So, I'm going
21 to click Kyle in and I'm going to tell him
22 that you want to say something to him off the
23 record.

24 MR. SWENSON: All right.

25 MS. SAILOR: Alright, hold on.

1 Okay, hello?

2 MR. SAILOR: Hello?

3 MR. SWENSON: Hey.

4 MR. SAILOR: Yeah.

5 MR. SWENSON: Hey, hey man. Hey if
6 you want to say something off the record just
7 let me know. Just say that, just let me know.

8 MR. SAILOR: Alright, look man,
9 like man, it's only like probably like five
10 people in this whole world I've been
11 completely honest about the situation, you
12 know what I'm saying? Like, due to the fact I
13 don't really know the repercussions, right?
14 But far as my lawyer told me, like, I really
15 can't be in trouble.

16 But not only that, it's more of a moral
17 standpoint with you, Mark Clark, the victim's
18 brother, you know, he in full support getting
19 me out of prison. And I don't want him, like,
20 to change his mind on me because he found out,
21 like I knew what happened ahead of time, you
22 know what I'm saying?

23 MR. SWENSON: Uh-huh, uh-huh.

24 MR. SAILOR: But like me, me and
25 Cordell, man, like we go back like fourth

1 grade and we grew up like damn near brothers,
2 you know what I'm saying, like he can go to my
3 mother house, I can go to his mother house,
4 without any one of us being there, and the
5 night that happened --

6 AUTO ATTENDANT: This call is
7 originating from an Ohio correctional facility
8 and may be recorded and monitored.

9 MR. SAILOR: -- he called me
10 after, you know what I'm saying, when I left
11 the 4U2B and I dropped Bobby off, he called me
12 to come pick him up from his mother house and
13 I went and got him like man he was, you know
14 what I'm saying? He was highly distraught,
15 emotional, you know what I'm saying, like and
16 I'm like was wrong man? You know what I'm
17 saying and he like man, he told me he shot
18 somebody in self-defense. He like, man,
19 somebody put a gun on me man, and I shot him.
20 He, like, I don't know, you know what I'm
21 saying, how many times I shot him or I don't
22 know what happened. I just shot him, got in
23 the car and left. You know what I'm saying?
24 Him and the dude, Will, and he's like, Will
25 knew the dude, and whatever the case may be.

1 So we like, we was riding around and we
2 were saying, we was drinking. He was, you
3 know what I'm saying, he was crying, he's
4 emotional. He's like, man, I don't know what
5 to do. And I'm like, man, I don't, I don't
6 know what to do. So we ended up at
7 St. Aloysius. Just from riding around we
8 ended up there and we went in there, you know
9 what I'm saying? And we chill for a minute,
10 then I took him to his girlfriend house. But
11 to get past that, when I got arrested, you
12 know what I'm saying, when they was looking
13 for me, me and him had the conversation. But
14 this one up to the point where he had been
15 telling me like they was going to throw it out
16 and they didn't have no witnesses and they
17 didn't have no evidence on him or they didn't
18 know what was going on, you know what I'm
19 saying? They just arrested him and let him
20 let him bond out.

21 So he's like, I'm like, well, I'm gonna
22 go see what they talking about. You know what
23 I'm saying? And by me knowing that I wasn't
24 there and by me knowing the truth, I was like,
25 I'm gonna go see what they talking about and

1 I'm pretty sure they gonna let me go. You
2 know what I'm saying? Like, if they're
3 fitting to let you go, I know they're gonna
4 let me go. You know I'm saying?

5 MR. SWENSON: Yeah, yeah.

6 MR. SAILOR: It didn't fall like
7 that and then during trial it was like we was
8 already too far in. And then our lawyers was
9 telling us like the case is shady and shaky
10 and they can beat it, so it prolonged him from
11 telling the truth; you know I'm saying? It
12 was like I was in a situation where I wouldn't
13 -- I'm saying I'm built like man, Kyle, I
14 ain't gonna lie to you, like my loyalty and my
15 integrity, I stand on that more than I stand
16 on anything. So, like me telling on my best
17 friend wasn't even an option for me. It was
18 like, if he wasn't going to tell it himself,
19 it was going to be up to them, you know what
20 I'm saying, to do what they had to do.
21 Because I wasn't going to tell. And he --

22 MR. SWENSON: I mean, who wouldn't
23 -- I think, oh go ahead, I'm sorry. Go ahead.

24 MR. SAILOR: If you read the
25 transcripts like from our side of the fence

1 you would think, like, we probably would have
2 won that trial if they would have kept it fair
3 and went by the book. Because if they would
4 have gave us separate trials I wouldn't have
5 had nobody come to the court for me but Larry
6 Braxton, one witness. You see what I'm
7 saying?

8 MR. SWENSON: Yeah.

9 MR. SAILOR: But by them making us
10 go to trial together they allowed Clark
11 Williams to come in there, which he testified
12 in court that he never saw him before. He
13 never saw the shooter. He never saw me, and
14 then when trial started, he changed his story
15 right there in trial.

16 MR. SWENSON: Yeah, yeah. I mean,
17 and I think, you know, that loyalty, like, you
18 know, who wouldn't, you know, be in the same
19 spot or act the same way, you know, it's like
20 your best friend. So I completely understand
21 that, how you're feeling that way. You know,
22 I don't know what I would do in that
23 situation. Probablythe same thing, you know,
24 who knows, same thing you did. So, and I
25 think most people understand that it's like a

1 bad set of circumstances that's stacked up
2 like that, unfortunately. And like you said,
3 the trial was completely not fair and
4 everything like that. But, I mean -- that
5 lawyer that you had on the other case, is that
6 the guy who defended you at the trial?

7 MR. SAILOR: I didn't hear you.

8 MR. SWENSON: I'm sorry. Did that
9 guy who defended you at the trial, was that
10 the same guy you had on the other case,
11 (inaudible) --

12 MR. SAILOR: Yeah, that's how I
13 end up, because I had a --

14 AUTO ATTENDANT: This call is
15 originating from an Ohio correctional facility
16 and may be recorded and monitored.

17 MR. SAILOR: Man, I was out on
18 bond for a trafficking case in carrying a
19 concealed weapon case and he was my lawyer,
20 Jimmy Mack, Jr. So when this came about, I
21 was like, can you defend me on this, because I
22 didn't even think like it would make it to
23 trial and all that type of stuff; you know I'm
24 saying? So I was like you need to defend me
25 on this. He was going oh, so I had gave him

1 some extra money for I had already paid him,
2 and before like -- I went to jail April 2nd.
3 I was in trial May 19th, May 18th or something
4 like that. Like I ain't even have a full of
5 30 days to prepare for trial, like, and they
6 just put me in -- Cordell had already had that
7 trial date started so what they had did, they
8 kept that trial date and just put me on to it,
9 you know I'm saying? So I didn't have time to
10 --

11 MR. SWENSON: Yeah. You didn't
12 have the -- I mean he --

13 MR. SAILOR: Huh?

14 MR. SWENSON: Yeah, you didn't have
15 the time to prepare and stuff like that, for
16 sure.

17 MR. SAILOR: Yeah, I didn't have
18 time to get my -- then as far as the witnesses
19 that I did come up with, it was like, I don't
20 know how they found out who my witnesses was.
21 I guess my lawyer had filed my witness list,
22 but the detective from my neighborhood that,
23 you know what I'm saying, he watched me grow
24 up and we always been at odds growing up
25 'cause I was in the streets and he was a vice

1 detective, you know what I'm saying, narcotics
2 detective. So on different sides of the
3 fence, he always had it out for me and my
4 mother can attest to that. Like, he always
5 had it out for me. He was going around the
6 neighborhood and he was intimidating my
7 witnesses; you know what I'm saying? Like,
8 just stay out of that. Don't get involved in
9 that. And like the guys he was talking to --

10 MR. SWENSON: Is that that guy,
11 Jones? Is that who you're talking about?

12 MR. SAILOR: Yeah, yeah.

13 MR. SWENSON: Eugene, right?

14 MR. SAILOR: The lady that owned
15 the Benjamin's bar, her name is Dawn Gooseby
16 (sic). I had her on there because she was
17 gonna come in, you know saying, testify that
18 we was in her bar that night and we left, you
19 know what I'm saying, that Cordell, you know
20 what I'm saying, left with somebody else and
21 not me, I guess; you know what saying, to a
22 certain extent? He went to her bar and told
23 her like, if she came and testified on our
24 behalf, like he would get her bar shut down.

25 MR. SWENSON: Oh, really?

1 MR. SAILOR: So that made her
2 make, you know what I'm saying, she had to
3 make a decision between her bar and us, and I
4 really couldn't knock her; you know what I'm
5 saying? And then for my other friends like
6 Bobby Nettles and Anthony McKenzie, they was
7 in the streets at the time. So he went to
8 them, you know what I'm saying, and he's the
9 vice cop in our neighborhood. So he went to
10 them like, man, if y'all go down there to that
11 court date, I'm gonna make it ugly for y'all
12 around here. Y'all are gonna be out here
13 selling drugs. You know what I'm saying? So
14 they had to make a decision.

15 MR. SWENSON: So you said that guy
16 -- let me stop you real quick. So you said
17 that cop, so he arrested you before? Was he
18 the arresting officer on other occasions that
19 you had earlier?

20 MR. SAILOR: He's the arresting
21 officer on probably, I think, like my first or
22 my second drug case years ago though. This
23 was like probably like '98, '99. But before
24 then like, it's always been a problem with
25 him. When I was in high school he was like

1 the truancy neighborhood officer, when I was
2 in high school and he would always catch me
3 cutting school, and going to tell my mother
4 that he gonna get me and all that type of
5 stuff like that. So we always have been at
6 odds.

7 MR. SWENSON: So here he is, like,
8 intimidating your witnesses and like screwing
9 with your people.

10 MR. SAILOR: Exactly.

11 MR. SWENSON: So when that case,
12 when you get the verdict -- I mean, what was
13 it like with Cordell? I mean, it's got to put
14 a strain on your relationship, right, if you
15 both go down for this, I mean, what happened
16 then? Like, what did he say to you?

17 MR. SAILOR: No, I mean, it's a
18 verdict, right there at the end, like as soon
19 as they said guilty, you know what I'm saying,
20 like, it wasn't -- I didn't have to say
21 nothing, like, you know what I'm saying?
22 Like, he's like I'm about to -- I'm gonna fix
23 it. You know I'm saying? I'm about to fix it
24 right now. But they escorted us out the
25 courtroom ASAP, you know I'm saying, and he's

1 telling his lawyer like man, you know I'm
2 saying, like I did it, and El wasn't there and
3 I gotta get him out of this, man. I should
4 have been did it, you know I'm saying? I hear
5 him telling his lawyer like man, I should have
6 been did it. I shouldn't have let it go this
7 far. I got to get him out of this. And his
8 lawyer trying to tell him not to do this,
9 know what I'm saying, his lawyer's telling him
10 my man's gonna mess your appeal up. And it's
11 like he's causing the rift between them.

12 So when we go to sentencing, like it
13 was, man it was crazy because I don't know if
14 this lawyer was playing both sides of the
15 field or what, but at the verdict the news
16 cameras was in there so me and Cordell plan
17 was when we go to sentencing and the news
18 cameras in there he was gonna tell the Court,
19 you know I'm saying, everything in front of
20 the news cameras, that way it'd be documented;
21 you know I'm saying? So they can't do no BS.
22 But he told his lawyer about it, so when we go
23 to sentencing the cameras is in there and his
24 lawyer don't show up. So the judge cancelled,
25 she cancelled the sentencing. So when they

1 rescheduled the sentencing, we go back --

2 AUTO ATTENDANT: This call is
3 originating from an Ohio correctional facility
4 and may be recorded and monitored.

5 MR. SAILOR: -- but we go in the
6 court room, our family tell us they made the
7 media leave the court room. So by the time me
8 and Cordell come in there, ain't no media in
9 the court room. So it's like, you know what
10 I'm saying, our plan, our plan going down the
11 drain with these deals and when they asked him
12 what he got to say, he said to the court, he
13 tell the judge, like man, y'all convicted an
14 innocent man. Like man, Mr. Sailor wasn't
15 present. He wasn't there at all. I was
16 there. I was there with a guy named Will. At
17 the time of the moment, we didn't know William
18 Sizemore's full name, so he like I was there
19 with Will, and Mr. Sailor wasn't never
20 present; you know what I'm saying? You know,
21 he ain't got nothing to do with this, period,
22 from the beginning to the end. Like he
23 completely innocent. Y'all did the wrong
24 thing because they even found me guilty of
25 being the shooter. You know what I'm saying?

1 I wasn't even present. The shooter was
2 standing here the whole time. He like y'all
3 got it all wrong and man.

4 MR. SWENSON: So what was
5 Sizemore's deal? Was he a friend of your
6 guys? Or was he --

7 MR. SAILOR: No. He a guy that
8 Cordell had met from -- I don't know from how
9 they -- I don't know how they hooked up. But
10 he ain't from our neighborhood and then, like,
11 that Cordell met him somewhere and they had
12 formed a friendship, so he had come around
13 here every blue moon with Cordell only, you
14 know I'm saying, and that night he was with
15 Cordell.

16 MR. SWENSON: So he wasn't a guy
17 from, like, your crew or your like group of
18 friends. He was just kind of like, just
19 Cordell's guy?

20 MR. SAILOR: Yeah, he was more
21 Cordell friend. He was a outsider. I mean to
22 us he was an outsider, but he was, know what
23 I'm saying, by him being with Cordell --

24 AUTO ATTENDANT: You have one minute
25 remaining.

1 MR. SWENSON: Okay. Well, hey, um,
2 are you guys there?

3 MR. SAILOR: Yeah.

4 MS. SAILOR: Uh-huh.

5 MR. SWENSON: Yeah hey, I actually
6 have to get going tonight because I have to,
7 uh, I have to be somewhere in a bit.

8 But do you think, I mean, so your
9 phone -- I mean, I am going to try to get in
10 and see you for sure. Um, I'm going to try to
11 get this in. But, um, you guys can -- we can
12 do this again, right? We can call.

13 MR. SAILOR: Yeah, yeah, yeah. I
14 mean, my rec periods last for like an hour,
15 you know what I'm saying, so I'll be having
16 like an hour to go on the phone every day
17 except Monday and Thursday.

18 MR. SWENSON: Monday and Thursday?
19 Okay. Well, let me -- 'cause I'm running out
20 of town that's one of the reasons I got to get
21 going, because I'm going out town tomorrow.
22 But maybe next week, same day, we can do it,
23 same time. And I know you said Wednesday
24 mornings are better times also, right?

25 MR. SAILOR: Yeah.

1 MR. SWENSON: Okay, well, yeah, no,
2 I want to talk again. I want to do this again
3 for sure. And, you know, I definitely want to
4 keep digging in this case 'cause --

5 AUTO ATTENDANT: Thank you for using
6 GTL.

7 (End of recording.)

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1 State of Ohio,)
2 County of Cuyahoga.) SS:

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4 C E R T I F I C A T E

5
6 I, Melissa Tripi, do hereby certify
7 that I have transcribed the proceedings
8 of the jail call between Ru-El Sailor,
9 Amy Sailor, and Kyle Swenson, recorded on
10 May 3, 2016; and that the foregoing is a true
11 and accurate transcript made to the best of my
12 ability.

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